

### **REMARKS**

Applicants amend claims 2, 15, 28, and 41 to more particularly define the claimed subject matter. No new matter has been added. Applicants respectfully traverse the rejections and request reconsideration in light of the following remarks.<sup>1</sup>

#### **Amended Independent Claims 2, 15, 28, and 41 Patently Distinguish Over Youman**

Each of amended independent claims 2, 15, 28, and 41 requires receiving a menu input from a user and displaying an interactive program guide menu in a second display that is presented simultaneously with at least a substantial portion of a first display on a screen.

The Action maintains the 102(e) rejection of independent claims 2, 15, 28, and 41 over Youman. Specifically, the Examiner now contends that applicants' "first display" and "interactive program guide menu" that is displayed "simultaneously with at least a substantial portion of the first display" are both met by a single menu screen shown in FIG. 6A of Youman.

Applicants do not concur with the rejection. However, to advance allowance of this application, applicants have amended the independent claims to clarify that the interactive program guide menu is displayed in a second display that is presented simultaneously with at least a substantial portion of the first display. Youman fails to describe this subject matter. Specifically, although the menu screen in FIG. 6A is displayed in response to user input (see, e.g., Youman, column 25, lines 60-67), the menu screen in FIG. 6A is not displayed simultaneously with a substantial portion of a first display. In fact, the Action itself states that the "EPG screen takes up [sic] entire television screen." (Office Action, page 3). Therefore, Youman fails to teach each and every element of the amended independent claims.

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<sup>1</sup> As Applicants' remarks are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met. Applicants reserves the right to analyze and dispute such assertions/requirements in the future.

For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the § 102 rejection of amended independent claims 2, 15, 28, and 41. Applicants also request reconsideration and withdrawal of the rejections of dependent claims 3-14, 16-27, 29-40, and 42-53 for at least the same reasons.

Dependent Claims 11, 12, 24, 25, 37, 38, 50, and 51 Further Patently Distinguish over Youman

In addition to the elements set forth in claim 2, dependent claim 11 also recites that the first display includes video for a particular television program. The Action asserts that this feature is described by Youman in Figure 5. Applicants disagree. Figure 5 of Youman describes a "FLIP mode." According to Youman:

In this mode, a graphic overlay 51 containing programming information for the channel currently tuned on the tuner is superimposed in overlaying relationship with a received program signal 55 on the screen of the television receiver 27 whenever the viewer changes the program channel, for example, by using the up/down direction arrows on the remote controller.

(Youman, column 11, line 63 to column 12, line 4)

This passage describes an overlay that is superimposed on a received program signal each time the user changes the program channel. The overlay contains program information for a particular channel to which a user is tuned. However, this overlay does not display simultaneously a plurality of menu choices, as recited by reference in claim 11. While this feature is not directly recited in claim 11, 35 U.S.C. 112, fourth paragraph, states that "a claim in a dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." Here, a proper construction of claim 11 would require a first display that includes video for a television program, which is displayed simultaneously with a second display that includes an interactive program guide menu with a plurality of menu choices that are also displayed simultaneously, as described in claim 2. Youman fails to describe this subject matter.

These arguments apply, *mutatis mutandis*, to dependent claims 24, 37, and 50. Therefore, the § 102 rejection of claims 11, 24, 37, and 50 should be withdrawn for these additional reasons.

Dependent claim 12 also patently distinguishes over Youman. Specifically, claim 12 recites that the first display includes an interactive program guide display. The Action relies on Youman's FIGS. 5, 6, and 11. Each of these drawings shows a separate screen that a user might use to access program information in the system described in Youman. As set forth above, the display in FIG. 5 of Youman fails to show certain features of claim 2, which are incorporated by reference in dependent claim 12. Like FIG. 5, FIG. 11 of Youman includes an overlay that is superimposed on video for a program, the overlay including programming information for a channel that is being browsed (see, Youman, column 13, lines 18-33). Thus, FIG. 11 also fails to teach each and every feature of claim 12 for the reasons provided above for FIG. 5. Finally, "[t]he menu screen shown in FIG. 6 is a full-screen display," (Youman, column 15, lines 31-31, emphasis added). Contrary to the recited matter of claim 12, this menu screen is not displayed simultaneously with a substantial portion of a first display that also includes a program guide display. These arguments apply, *mutatis mutandis*, to dependent claims 25, 38, and 51. Therefore, the § 102 rejection of claims 12, 25, 38, and 51 should be withdrawn for these additional reasons.

#### The § 103 Rejection

Claims 13, 26, 39, and 52 stand rejected under 35 U.S.C. § 103(a) over Youman in view of Hendricks. These claims depend from independent claims 2, 15, 28, and 41 and add further features thereto. Applicants therefore requests reconsideration and withdrawal of the § 103 rejection of these claims for at least the same reasons.

In view of the above amendment, applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response, other than what is reflected on the enclosed Amendment Transmittal. However, if an additional fee is due, please charge our Deposit Account No. 06-1075, under Order No. 003597-0001 from which the undersigned is authorized to draw.

Dated: June 22, 2009

Respectfully submitted,

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